IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1588 of 2007(L)

PETITIONER:

K.M.YOUSEF, AGED 54 YEARS,
SON OF LATE MR.K.M.MOHAMMED, WORKING AS TRACER,
OFFICE OF THE PUBLIC WORKS DEPARTMENT (ROADS)
DIVISION, MANJERI (UNDER TRANSFER) RESIDING AT
KAKKAMOOLACKAL HOUSE, P.O.PAPPANIPARA, VIA-MANJERI
MALAPPURAM DISTRICT-676 122.

BY ADV. SRI.TPM.IBRAHIM KHAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, PUBLIC WORKS
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT, ADMINISTRATION,
THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
MANJERI, MALAPPURAM DISTRICT.

BY GOVT.PLEADER SRI.BINOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 1588 of 2007

Dated this the 16th day of January, 2007

JUDGMENT

The petitioner feels aggrieved by the order of transfer causing dislocation to him, when he has only a few months to retire from service. As on the date of Ext.P1, he was working at Manjeri in the office of the third respondent. Now he has been transferred to NH Sub Division, Perinthalmanna for field work. It is stated that he suffers from serious ailments and having regard to his health condition, the respondents ought to have retained him in the same station. Alternatively, it is stated that he could have been accommodated in a nearby place. The petitioner has placed Ext.P2 application before the second respondent requesting to post him in the existing open vacancy under Roads Division, Manjeri. The above application was filed on 20.10.2006. It is seen from Ext.P5 letter written by the Executive Engineer to the second respondent that on the retirement of Sri.E.Muhammed Hussain, III Grade Overseer, one vacancy is likely to arise.

2. Heard the counsel for the petitioner and the Government pleader for the respondents.

3. In the circumstances, there shall be an order directing the second respondent to consider the request made by the petitioner in Ext.P2, especially, in the light of the vacancy due to arise as reported by the Executive Engineer in Ext.P5 letter, and to pass appropriate orders, as early as possible, at any rate, before the vacancy referred to in Ext.P5 is filled up. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for information and compliance.

The writ petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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